

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 2nd day of July, 2012 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight Mayor
Vickie Abrego Mayor Pro Tempore
James A. Mills Council Member
Billy Ellis Council Member
Phillip Hyatt Council Member

ABSENT:

ADMINISTRATIVE PERSONNEL PRESENT: Allen Lawrence City Attorney
Reggie Winters City Manager
Dawn Alvarado Administrative Assistant

ADMINISTRATIVE PERSONNEL ABSENT: Yvonne Stonebraker City Secretary

STAFF PRESENT: Eric Blanchard Police Chief
Bill Haines Emergency Management Coordinator
Frank Truitt City Inspector
Earl Buckmaster Harbormaster
Paul Alvarado Public Works Director

OTHERS PRESENT: Elizabeth Roberts, Donald & Jeanie Brummett, Ann Melton, Jim & Alpha Covington, Randall & Naomi Freeze, Terry Stansberry, Phil & Nell Reynolds, Capt. Tom Doran, Rosemary Vega, Mike Moore, Cecil Robles, Vernon Kennedy, Julie Silva, Brian Yeager, Polly Mircovich, Eva Young, Dennis Limon and Jacob Atcher.

There may have been others present who did not sign in.

- 1. CALL MEETING TO ORDER.**

Mayor Knight called the Meeting to order at 7:00 P.M. on June 18, 2012.
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Mayor Pro Tem Abrego gave the Invocation and Mayor Knight led the Pledge of Allegiance to the United States Flag.
- 3. CONSIDER AND ACT ON MINUTES OF JUNE 18, 2012.**

Council Member Mills made a motion to approve the minutes of June 18, 2012. Council Member Hyatt seconded the motion and the motion carried unanimously.
- 4. CONSIDER AND ACT ON ORDINANCE NO. 2012-4010 – AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS GRANTING A CONDITIONAL USE PERMIT TO CHARLES DAUGHTERY TO OPERATE FRONT OF BUILDING AND SIDE PARKING LOT FOR SALES ON WEEKENDS AND LEGAL HOLIDAYS ON PROPERTY DESCRIBED AS MCPHERSON SUBDIVISION, LOT 10-A, 0.815 ACRES, 1746 W. WHEELER, ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS, SUBJECT TO CONDITIONS SETFORTH.**

Council Member Mills made a motion to approve Ordinance No. 2012-4010 – an Ordinance of the City of Aransas Pass, Texas granting a Conditional Use Permit to Charles Daughtery to operate front of building and side parking lot for sales on weekends and legal holidays on property described as McPherson Subdivision, Lot 10-A, 0.815 acres, 1746 W. Wheeler, Aransas Pass, San Patricio County, Texas, subject to conditions setforth. Council Member Hyatt seconded the motion and the motion carried unanimously.

5. **CONSIDER AND ACT ON ACCEPTING J.M. DAVIDSON, INC BID FOR THE “HURRICANE PREPAREDNESS PROJECT”.**

Council Member Mills made a motion to approve J.M. Davidson, Inc. bid for the “Hurricane Preparedness Project”. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

6. **CONSIDER AND ACT ON APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ARANSAS PASS AND J.M. DAVIDSON, INC.**

Council Member Hyatt made a motion to approve a Memorandum of Understanding between the City of Aransas Pass and J.M. Davidson, Inc. Council Member Mills seconded the motion and the motion carried unanimously.

7. **CONSIDER AND ACT PLAINS EXPLORATIONS & PRODUCTION COMPANY AND POGO PRODUCING COMPANY, LLC TO ASSIGN EASEMENT NO. 3274R0313 TO OXY USA, INC., PIPELINE RIGHT-OF-WAY AND EASEMENT BETWEEN THE CITY OF ARANSAS PASS AND NORTH CENTRAL OIL CORPORATION.**

Council Member Mills made a motion to approve the Plains Exploration & Production Company and Pogo Producing Company, LLC to assign Easement No. 3274R0313 to Oxy USA, Inc., pipeline right-of-way and easement between the City of Aransas Pass and North Central Oil Corporation. Council Member Ellis seconded the motion and the motion carried unanimously.

8. **CONSIDER AND ACT ON TAX RESALE DEED: LOT 31, BLOCK 295, CITY OF ARANSAS PASS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 3, PAGE 41, MAP RECORDS OF SAN PATRICIO COUNTY, TEXAS – SUIT NO. 4411-A; 800 BLOCK OF S. 7TH STREET. (CORRECTED DEED)**

Council Member Mills made a motion to approve Tax Resale Deed: Lot 31, Block 295, City of Aransas Pass according to the Map or Plat thereof recorded in Volume 3, Page 41, Map Records of San Patricio County, Texas – Suit No. 4411-A; 800 Block of 7th Street. (corrected deed) Council Member Ellis seconded the motion and the motion carried unanimously.

9. **CONSIDER AND ACT ON RESOLUTION NO. 2012-674 – A RESOLUTION AUTHORIZING TAX RESALE PROPERTY - LOT 6, BLOCK 225, CITY OF ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 3, PAGE 41, MAP RECORDS OF SAN PATRICIO COUNTY, TEXAS. – SUIT NO. S-02-1271-TX; 700 BLOCK OF S. 11TH STREET.**

Council Member Mills made a motion to approve Resolution No. 2012-674 – a Resolution authorizing Tax Resale Property - Lot 6, Block 225, City of Aransas Pass, San Patricio County, Texas, according to the Map or Plat thereof, recorded in Volume 3, Page 41, Map Records of San Patricio County, Texas. – Suit No. S-02-1271-TX; 700 Block of S. 11th Street. Council Member Hyatt seconded the motion and the motion carried unanimously.

10. **CONSIDER AND ACT ON RESOLUTION NO. 2012-675 - A RESOLUTION AUTHORIZING TAX RESALE PROPERTY - LOT 13 & 14, BLOCK 445, CITY OF ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 3, PAGE 41, MAP RECORDS OF SAN PATRICIO COUNTY, TEXAS. SUIT NO. S-04-1206-TX; 400 BLOCK S. MCCAMPBELL.**

Council Member Ellis made a motion to table Agenda Item No. 10 until more information could be obtained. Council Member Hyatt seconded the motion and the motion carried unanimously.

11. **PUBLIC HEARING ON REQUEST OF ARNULFO DEAN DAVILA FOR A CONDITIONAL USE PERMIT TO OPERATE MECHANIC SHOP AND TIRE REPAIR. THE PROPERTY IS DESCRIBED AS LOTS 26, 27, AND 28, BLOCK 517, 342 N. COMMERCIAL, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS.**

Attorney Allen Lawrence opened the public hearing at 7:16 P.M.

Attorney Lawrence asked if there was anyone present to speak in favor of Mr. Davila’s request.

There were none.

Attorney Lawrence asked if there was anyone present to speak against Mr. Davila’s request.

There were none.

Attorney Lawrence stated during the Planning and Zoning Commission board meeting held on May 14, 2012, the board approved a six month Conditional Use Permit with the condition that the property be kept neat and clean.

Attorney Lawrence closed the Public Hearing at 7:21 P.M.

12. CONSIDER AND ACT ON REQUEST OF ARNULFO DEAN DAVILA FOR A CONDITIONAL USE PERMIT TO OPERATE MECHANIC SHOP AND TIRE REPAIR. THE PROPERTY IS DESCRIBED AS LOTS 26, 27, AND 28, BLOCK 517, 342 N. COMMERCIAL, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS.

Council Member Mills made a motion to approve the request of Arnulfo Dean Davila for a Conditional Use Permit to operate Mechanic Shop and Tire repair. The property is described as Lots 26, 27, and 28, Block 517, 342 N. Commercial, Aransas Pass, Texas, San Patricio County. The property is zoned (GB) General Business. Council Member Hyatt seconded the motion and the motion carried with Mayor Pro Tem Abrego voting no.

13. PUBLIC HEARING REGARDING THE ARANSAS PASS CRIME CONTROL AND PREVENTION DISTRICTS 2012-2013 FISCAL YEAR BUDGET.

Attorney Lawrence opened the Public Hearing at 7:24 P.M.

Attorney Lawrence asked if there was anyone present to speak in favor of the Aransas Pass Crime Control and Prevention District Budget.

There were none.

Attorney Lawrence asked if there was anyone present to speak against the Aransas Pass Crime Control and Prevention Districts Budget.

There were none.

There was a brief discussion between Council Member Mills and APCC&PD President Terry Stansberry on line item Public Awareness for 20,000.

Attorney Lawrence closed the Public Hearing at 7:27 P.M.

14. CONSIDER AND ACT ON APPROVING THE ARANSAS PASS CRIME CONTROL AND PREVENTION DISTRICT'S 2012-2013 FISCAL YEAR BUDGET.

Council Member Mills made a motion to approve the Aransas Pass Crime Control and Prevention District's 2012-2013 Fiscal Year Budget. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

15. PUBLIC HEARING ON AMENDING THE ZONING ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, BY AMENDING SECTION 10-201(5) OF ORDINANCE 1308 "BOARDING OR ROOMING HOUSE" AS CONDITIONAL USE.

Attorney Lawrence opened the Public Hearing at 7:29 P.M.

Attorney Lawrence asked if there was anyone present to speak in favor of amending the Zoning Ordinance of the City of Aransas Pass, Texas, by amending Section 10-201(5) of Ordinance 1308 "Boarding or Rooming House" as conditional use.

Ms. Elizabeth Roberts and Ms. Eva Young spoke in favor of Boarding or Rooming Houses allowed in the city limits of Aransas Pass.

Attorney Lawrence asked if there was anyone present to speak against amending the Zoning Ordinance of the City of Aransas Pass, Texas, by amending Section 10-201(5) of Ordinance 1308 "Boarding or Rooming House" as conditional use.

There were none.

Attorney Lawrence closed the Public Hearing at 7:36 P.M.

16. CONSIDER AND ACT ON AMENDING THE ZONING ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, BY AMENDING SECTION 10-201(5) OF ORDINANCE 1308 "BOARDING OR ROOMING HOUSE" AS CONDITIONAL USE.

Council Member Mills made a motion to approve amending the Zoning Ordinance of the City of Aransas Pass, Texas, by amending Section 10-201(5) of Ordinance 1308 "Boarding or Rooming House" as conditional use. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

17. CONSIDER AND ACT ON APPROVING AN ORDINANCE AMENDING THE CITY OF ARANSAS PASS CODE OF ORDINANCES CHAPTER 28 – TRAFFIC, BY ADDING A NEW ARTICLE VI – GOLF CARTS.

Council Member Mills made a motion to table Agenda Item No. 17 until requested changes could be made. Council Member Hyatt seconded the motion and the motion carried unanimously.

18. CONSIDER AND ACT ON APPOINTING A MEMBER TO THE ARANSAS PASS CRIME CONTROL AND PREVENTION DISTRICT.

Council Member Hyatt made a motion to appoint Ms. Naomi Freeze to the Aransas Pass Crime Control and Prevention District. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

19. CONSIDER AND ACT ON ALLOCATING HOTEL/MOTEL FUNDS NOT TO EXCEED \$2,700.00 FOR JULY 4TH EVENT AT CONN BROWN HARBOR.

No action taken.

20. CONSIDER AND ACT ON SETTING A CONN BROWN HARBOR WORKSHOP DATE.

No action taken.

21. CITIZENS' COMMENTS.

Capt. Tom Doran stated a Bed and Breakfast was a great idea for Aransas Pass.

Council Member Mills stated Harbormaster Earl Buckmaster was doing a great job at the harbor.

22. RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

Mayor Knight recessed the Regular Meeting and retired into Executive Session at 8:00 P.M.

- A. SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS – CITY OF INGLESIDE VS CITY OF ARANSAS PASS

23. RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Mayor Knight reconvened the Regular Meeting at 8:34 P.M.

- A. SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS – CITY OF INGLESIDE VS CITY OF ARANSAS PASS

No action taken.

24. ADJOURNMENT OF MEETING.

Council Member Hyatt made a motion to adjourn the meeting. Council Member Mills seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 8:35 P.M.

Tommy Knight, Mayor

ATTEST:

Yvonne Stonebraker, City Secretary